

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)	
)	
ALTERNATIVE MEANS OF)	Administrative Directive
PROCUREMENT)	No. 2019 - <u>01</u>
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As provided by the Arizona Code of Judicial Administration (ACJA), § 1-402(M), Alternative Means of Procurement, the Juvenile Justice Services Division (JJSD) is submitting the attached Juvenile Justice Treatment Services Procurement Policy and Procedures update which will replace the 2017 version, Internal Memorandum dated 9-26-2017. Therefore,

IT IS DIRECTED that the attached Juvenile Justice Treatment Services Procurement Policy and Procedures is adopted, effective this date.

Dated this 10th day of January, 2019.

DAVID K. BYERS
Administrative Director of the Courts

Juvenile Justice Treatment Services Procurement Policy & Procedures

1. **Background:** Pursuant to state law (A.R.S. §8-322), the Arizona Supreme Court is designated responsible for contracting, administration and management of programs for incorrigible and delinquent youth referred to the Juvenile court. The Administrative Office of the Courts (AOC) shall carry out those duties and expends funds annually to divert youth from formal court processing, and to provide treatment services to court-involved juveniles and their families as appropriate.

2. **Definitions:** For AOC contracting purposes,

Vendor(s) means an **Independent Practitioners** or an **Agency**.

Independent Practitioner means:

- A sole proprietor; or
- A partnership of any legal type where one or both partners are the proposed service delivery professionals.
- NOTE: Support staff, medical billing, or other like personnel, whether employees or non-employees, ***do not*** provide services to juveniles and do not affect the legal organization of a sole proprietor or partnership for contract purposes.

Agency (formerly referred to as Full Procurement Agencies) means:

- An entity which is registered with the Arizona Corporation Commission as one of the following:
 - A Limited Liability Company
 - A Professional Liability Company
 - A For-Profit (business) Corporation
 - A Non-Profit (business) Corporation**AND**
- The entity operates as a business that utilizes employed staff and/or subcontractors to provide direct services to juveniles
AND
- The entity is licensed by the Arizona Department of Health Service of the Arizona Department of Child Safety, if licensing is required. Note: Licensure may not be required for agencies providing certain AOC Services

3. **Vendor:** All prospective vendors must have the legal ability to contract in the State of Arizona and must demonstrate the following additional qualifications:

Independent Practitioners: Qualifications for **Independent Practitioners** are based upon the service specifications being proposed, and the applicable licensure or certification. Without prior approval by the AOC, an Independent Practitioner may not have employees providing direct services to juveniles, with the exception of a

psychometrist, who may administer and score testing instruments for the purposes of evaluation and diagnostic purposes, not including interpretation.

Agency: To ensure the financial and managerial soundness of an **Agency**, an agency must provide evidence of one of three recognized National Accreditations:

- The Joint Commission, or
- Council on Accreditation (COA), or
- Commission on the Accreditation of Rehabilitation Facilities (CARF),

OR if an agency proposing services does not hold one of these National Accreditations, that agency must satisfactorily complete the **AOC Vendor Pre-Qualification** process.

If a **Vendor** is not qualified (as described above), their proposal shall be rejected at the time of initial review. The Vendor may re-submit the application once qualifications are attained, for future consideration.

4. **Pre-Qualification Process.** Agencies that are not nationally accredited through one of the above accrediting bodies, must complete and submit the AOC Pre-Qualified Application to the AOC after registering as an Interested Vendor. The Application may be accessed on the Juvenile Justice Services Contracts page at www.azcourts.gov/Contracts-Monitoring. Vendors approved through the AOC Pre-qualification process and/or provide documentation of accreditation will receive notification of upcoming contracting opportunities.
5. **Procurement Processes:** The AOC contracts for juvenile treatment and diversion services on behalf of the local juvenile probation departments. Adult probation departments may also access services under contract for transferred youth on adult probation. The AOC uses this Alternate Means of Procurement process, as permitted by the **Arizona Code of Judicial Administration (ACJA), Section 1-402: Procurement Code for the Judicial Branch, Subsection M. Alternative Means of Procurement.**
 - a. **Service Solicitation:** The AOC conducts a solicitation for treatment services utilizing a process designed to result in sufficient high-quality services for the juvenile courts. every five years on behalf of the juvenile courts statewide. The fifteen juvenile courts submit an Identified Treatment Services for Solicitation form outlining services needed, for vendors to review prior to proposing services. The solicitation and evaluation process include outreach to both existing contractors and a broad spectrum of other service providers statewide. The process includes evaluations by AOC staff and local probation staff. Services may include but are not limited to Delinquency Prevention and Education services; Evaluation and Diagnostic services; a range of Out-of-Home services; Substance Abuse services; Sex Offender Services; General Mental Health Services. Evaluation criteria include experience and expertise of the agency and its personnel or the individual practitioner; the method or approach to service delivery; location; past performance; and reasonableness of price. The AOC may negotiate price with vendors and may also state a maximum desired rate that will be paid for a given service. All submissions must be turned in by a specified deadline, and additional requirements are outlined in the Service Solicitation Announcement. The initial period of the Contract may be one or two years, with opportunity for extension at the discretion of the AOC, not to exceed five years.

- **Pre-application Conference.** Pre-application Conferences are held to allow applicants to review and ask questions related to the service specifications. Service specifications, and contract requirements, as well as forms utilized are posted on the AOC public Website. The Service Solicitation Memorandum is sent to all interested vendors during the first half of January of the Service Solicitation year. Applications are due at a specified time, usually in late February of the year in which the Service Solicitation Announcement is made, giving agencies and individuals six to eight (6-8) weeks to complete the Application.
- **Applications.** As applications are received, they are not opened until the solicitation deadline. At that time, all applications are opened and tracked. Questions for clarification may be asked of the applicant; however, applications which are incomplete may be rejected. Applications are reviewed by both the AOC and the local probation departments, using a rubric which assigns points for the experience and expertise of the agency, personnel, individual practitioner, past performance, methods or curricula for service delivery, locations provided; and, as applicable, cost. The evaluations from both the AOC and the counties are combined into a summary evaluation; the decision to award or decline is made, taking into account the summary evaluation, and the needs of the counties.
- **Contracts.** The initial period of the Contract may be one or two years, with the opportunity for extension for up to five years, at the discretion of the AOC. Fully executed contracts are posted on the Juvenile Justice Services Division E-Contracts intranet for viewing and reference by juvenile court personnel. All applications for services, as well as the evaluations and award or decline outcomes shall be maintained.

b. **Open and Continuous Contracting Process:** Throughout the Contract period, the treatment needs of the counties may at times vary. When a new or additional treatment need arises, it is often neither practicable nor timely in addressing the need for the service(s), to pursue another Service Solicitation Process (#5 above). In these occasions, it is most beneficial to the counties and the juveniles served for the AOC to procure needed treatment services through an Open and Continuous (O & C) contracting Process. The O & C process occurs when there is a need for services that is not being fulfilled by current contracted services and/or vendors. Contracting through the O & C process may occur in three ways:

- **Interested Vendors.** The AOC maintains an “Interested Vendor” list of vendors who are seeking to provide services or who choose to be contacted at the time of the five-year Service Solicitation process. Existing and new vendors may propose services using the AOC Service Specifications and O&C Contract Application found on line at www.azcourts.gov. Under this process a prospective vendor must first submit a brief **Vendor Service Proposal**, outlining what services they propose to offer and to which county(ies). This proposal is first reviewed by the AOC and may then be sent to the intended county or counties. This is for the county to verify, utilizing a “**Certificate of Need**” form, that there is a need for such service in that county. Once the need is verified, the AOC provides the prospective vendor with the O & C Application. Vendors may apply as either **Independent Practitioners** or **Agencies**. Their O & C Application and the proposal(s) for specific Services are

reviewed and evaluated by both the AOC and the county(ies) who have expressed the need for the service. Compensation rate negotiations may be conducted by the AOC; maximum desired rates may apply. This O & C process retains the same Vendor qualifications and Service Specifications as were outlined in the preceding Service Solicitation, unless the service being proposed is for a new service not included in the current specifications (see bullet #3 below). All applications for services, as well as the evaluations and award or decline outcomes are maintained.

- **Local Probation department's need.** Local Probation departments may notify the AOC of a need for an additional or expanded service, for which an AOC service specification already exists. AOC staff will review and identify existing contractors who may be able to expand their contract to provide the needed services. Such contractors must be qualified to provide the needed service and have no outstanding significant contract compliance issues. AOC may also review vendors who had prior contracts and were in good standing at the time of their voluntary termination of their contract, to see if they can provide the needed service. If no existing or past contractors can meet the need, AOC staff will consult the Interested Vendor page to review and identify vendors who are qualified and interested in providing the needed service.
- **New Service needed.** Should the AOC determine that there is a need for a **new** service, for which there is no existing AOC service specification, the AOC will conduct research sufficient to write the scope of work for the new service specification. Once the service specification scope of work is created, AOC will conduct outreach to existing and past contractors, and interested vendors to offer the opportunity to apply to provide the service through the O & C process.

Approved

David K. Byers, Administrative Director
Administrative Office of the Courts
Arizona Supreme Court

Date